

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 15 and 20; no new matter has been added. Claims 11-20 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Information Disclosure Statement

The Examiner objected to the Information Disclosure Statement filed on June 25, 2004, as not including copies of the listed prior art. The Applicants re-submit herewith a copy of the Information Disclosure Statement with a copy of each cited reference.

3.) Examiner Objections – Specification

The Examiner objected to the specification because of certain typographical errors. The Applicants have amended the specification as suggested by the Examiner.

4.) Examiner Objections - Claims

The Examiner objected to claim 12 because of a typographical error. The Applicants have amended the claim as suggested by the Examiner.

5.) Double Patenting

The Examiner provisionally rejected claim 11, under the judicially created doctrine of obviousness type double patenting, as being unpatentable over claim 10 of U.S. Application No. 10/526,526. Although the Applicants believe claim 11 is patentably distinct from claim 10 of the co-pending application, a terminal disclaimer is submitted herewith. Accordingly, the provisional rejection of claim 11 is now moot.

6.) Claim Rejections – 35 U.S.C. §112

The Examiner rejected claims 15 and 20 as being indefinite, stating that it is not clear what the constant value of 131.072 MHz represents. The value of 131.072 MHz

represents a master system clock frequency, which one skilled in the art would understand from a reading of the specification. Therefore, the withdrawal of the §112 rejection is respectfully requested.

7.) Allowable Subject Matter

The Examiner indicated that claims 15 and 20 would be allowable if rewritten or amended to overcome the rejections under §112 (and, presumably, to include the limitations of their respective base claims and any intervening claims). The Applicants have answered the Examiner's question regarding claims 15 and 20, clarifying their meaning under §112, and have amended them to independent form, including the limitations of claims 11 and 17, respectively. Accordingly, claims 15 and 20 are now allowable.

8.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 11-12, 14, and 17-19 as being unpatentable over McHarg, *et al.* (US 5,291,482) in view of Acharya (US 7,110,359); claim 13 as being unpatentable over McHarg in view of Acharya and further in view of Reid (US 4,131,762); and claim 16 as being unpatentable over McHarg in view of Acharya and further in view of Sanders, *et al.* (US 6,931,022). The Applicants traverse the rejections.

The Examiner recites the same arguments presented in the former Office Action. In responding to the Applicants' arguments traversing the rejection of claims 11 and 17, the Examiner fails to address each of the distinctions noted by the Applicants. For example, in Applicants' prior response, it was noted that:

McHarg teaches one buffer between the write bus and read bus. The claimed invention teaches one buffer between the input line and the TDM bus, and one buffer between the TDM bus and the output line. In other words, McHarg's buffer is a centralized component. In the claimed invention, the TDM bus is a centralized component (see Figure 1). This is an essential difference because the TDM bus is a passive component (PCB backplane), and a central active switch component such as McHarg's buffer is not needed. This reduces the chance of having a "single point of failure" in the system, because there are no centralized active components like a buffer in the claimed invention.

The Examiner's "Response to Arguments" fails to address this distinction between Applicants' claimed invention and the teachings of McHarg. Although, with respect to other arguments made by Applicants', the Examiner asserts that "[t]here is no structural difference between McHarg's invention and the claimed invention, the Examiner has completely failed to address this structural distinction noted by the Applicants."

Furthermore, as previously noted by the Applicants:

The Examiner notes that McHarg does not teach a FIFO buffer for each input line or the use of a scheduler. In paragraph 9, the Examiner asserts it would have been obvious to a person of ordinary skill in the art to use Acharya's FIFO buffers and scheduler in McHarg's packet switch to control access to the memory. The Applicant respectfully disagrees.

The combination of McHarg and Acharya is technically improper because the combination is not operable. In a packet switch as disclosed by McHarg, the packets are transferred to the buffer immediately upon arrival. Therefore, the addition of the scheduler from Acharya is meaningless and would not be considered by one of ordinary skill in the art.

In addressing this argument, the Examiner merely responds that McHarg teaches "the router queues packets upon arrival," and that one of ordinary skill in the art "would be driven to Acharya's scheduler to find a way to manage McHarg's queues." The Examiner, however, fails to address Applicants' assertion that the combination of McHarg and Acharya would not be operable, much less provide any motivation for such a combination. Therefore, the Examiner has still failed to establish a *prima facie* case of obviousness of claims 11 and 17.

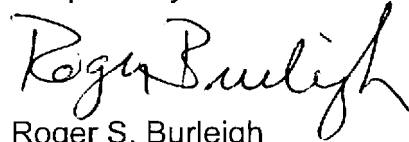
In Applicants' response to the prior Office Action, specific arguments were also submitted traversing the Examiner's rejection of claims 12, 13, 14, 16, 18 and 19. The Examiner, however, has not responded to those arguments. Accordingly, the Examiner has still failed to establish a *prima facie* case of obviousness of those claims.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-20.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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